

House Study Bill 93

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
INSPECTIONS AND APPEALS
BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the regulation of hospitals and health care
2 facilities by the department of inspections and appeals,
3 including investigations of complaints against health care
4 facilities and rules relating to authentication of certain
5 orders by practitioners, and providing an immediate effective
6 date.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TLSB 1380XD 82
9 nh/je/5

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1 1 Section 1. Section 135C.38, subsection 1, paragraph a,
2 Code 2007, is amended to read as follows:
3 a. Upon receipt of a complaint made in accordance with
4 section 135C.37, the department or resident advocate committee
5 shall make a preliminary review of the complaint. Unless the
6 department or committee concludes that the complaint is
7 intended to harass a facility or a licensee or is without
8 reasonable basis, ~~it the department or committee shall within~~
~~9 twenty working days of receipt of the complaint make or cause~~
10 to be made an on-site inspection of the health care facility
11 which is the subject of the complaint- within the time period
12 determined pursuant to the following guidelines, which period
13 shall commence on the date of receipt of the complaint:
14 (1) For nursing facilities, the United States department
15 of health and human services, centers for Medicare and
16 Medicaid services, publication number 100=07, state operations
17 manual, chapter 5.
18 (2) For intermediate care facilities for the mentally
19 retarded, the United States department of health and human
20 services, centers for Medicare and Medicaid services,
21 publication number 100=07, state operations manual, chapter 5.
22 except that for allegations of abuse or harm, an on-site
23 inspection shall be initiated within twenty working days.
24 (3) For all other types of health care facilities, the
25 same as provided for intermediate care facilities for the
26 mentally retarded in subparagraph (2).
27 Sec. 2. 2001 Iowa Acts, chapter 93, section 2, is
28 repealed.
29 Sec. 3. EFFECTIVE DATE. The section of this Act repealing
30 2001 Iowa Acts, chapter 93, section 2, being deemed of
31 immediate importance, takes effect upon enactment.
32 EXPLANATION
33 This bill relates to the regulation of hospitals and health
34 care facilities by the department of inspections and appeals.
35 The bill modifies the required time frames for initiating
1 investigations into complaints against health care facilities.
2 The bill removes the requirement that such investigations
3 commence within 20 days of receipt of a complaint and makes
4 the time frames consistent with federal requirements.
5 The bill repeals a sunset provision that would have
6 repealed, as of June 30, 2007, a provision directing the
7 department to adopt rules that require hospitals to establish
8 procedures for authentication of medication and standing
9 orders by a practitioner within a period not to exceed 30 days
10 following a patient's discharge. This section of the bill
11 takes effect upon enactment.
12 LSB 1380XD 82
13 nh:sc/je/5.1